



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Samir F. Saba

Serial No.: 10/535,529

Art Unit: 3762

Filed: 05/09/2006

Examiner: Smith, T.

Entitled: **A Device And Method To Discriminate Between Supraventricular Tachycardias And Ventricular Arrhythmias**

**DECLARATION OF DR. SAMIR SABA
UNDER 37 CFR § 1.132**

Mail Stop -Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: November 13, 2007

By:

Traci E. Light

Examiner Smith:

I, Samir Saba, M.D. under penalty of perjury, state that:

1. I am the sole inventor of the embodiments of the invention as claimed in the United States patent application captioned above.
2. I am a qualified expert in the field of cardiology and have a clinical practice related to implantable pacemakers and defibrillators.
3. I understand that, in the Non-Final Office Action mailed August 14, 2007 the Examiner apparently believes that an anti-tachycardial pacing burst will always induce normal sinus rhythm. This understanding by the Examiner is not correct.

4. An abnormal beat rhythm is usually successfully converted into a normal sinus rhythm by defibrillation. An anti-tachycardial pacing burst (ATP), however, is not a defibrillation. An ATP is a series of electrical impluses that temporarily overrides any existing abnormal beat rhythm and induces a electrical quiescent period (i.e., for example, a blanking period) immediately after the ATP. An ATP burst may, or may not, result in normal sinus rhythm. If an ATP burst does not result in normal sinus rhythm, my invention detects the earliest arriving electrical signal for diagnosis of the continued abnormal beat rhythm. Once the origin of the earliest arriving electrical signal is established, then a defibrillation step is required for conversion to a normal sinus rhythm.

5. I hereby declare that all statements made hercin of my own knowledge are true and that all statements made on information and belief are believcd to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: November 13, 2007



Samir Saba, M.D.